

In the traditional EEO complaint process, aggrieved persons discuss their complaint with an EEO Counselor, who makes an inquiry into the issues raised, informs the aggrieved of the findings of that inquiry, and issues a letter informing the aggrieved of the right to file a formal EEO complaint. ADR is an alternative to that process. Aggrieved persons must still contact an EEO Counselor within 45 days of the date of the alleged discrimination, but the EEO Counselor will inform the aggrieved that he/she may have the option to elect the ADR process over the traditional complaint process. The ADR process used by the Army for resolving EEO complaints is MEDIATION.

What is Alternate Dispute Resolution (ADR)?

ADR involves the intervention of a neutral, an impartial third party into the dispute. The mediator assists in clarifying issues, identifying underlying causes, and arriving at appropriate remedies to resolve the dispute. The mediator cannot impose a resolution on the parties and will protect the confidentiality of the process.

Who May Participate?

Fort Carson employees, applicants for employment, and former employees who initiate a timely EEO pre-complaint on matters arising during their employment with the Army may choose to participate in mediation if it is determined that the mediation process is applicable to the dispute.

Who is Involved in Mediation?

ADR Team Members: The EEO Officer, Labor Counselor, and Human Resources representative review the issues raised, determine whether the mediation process is applicable to the dispute, discuss settlement options and assist the mediator as requested.

Resolution officials: Commanders or their designees who are authorized to engage in settlement discussions and execute settlement agreements.

Mediators: Neutral and impartial third parties who are skilled in conflict resolution techniques and have been certified to participate in the mediation process.

Representatives: Aggrieved persons may have a representative accompany them during the mediation process if they choose to do so.

When is ADR Offered?

The EEO Counselor undertakes the counseling inquiry as usual under EEO procedures, providing initial information on ADR. If the ADR process is applicable

to the dispute, the aggrieved person will be offered an opportunity to participate within 24 days after the matter was referred to the EEO Counselor.

How Does ADR Work?

Once the aggrieved person accepts the opportunity to participate in ADR, the EEO Officer (EEOO) will select a mediator who will coordinate logistical arrangements with the EEOO and proceed expeditiously to conduct the mediation. The EEOO is authorized to extend the pre-complaint period for up to an additional 60 calendar days to accomplish the mediation. The mediator will explain how he or she will conduct the mediation process; however, once the mediation is initiated, it should be conducted within 1-2 days. A dispute may be resolved by voluntary withdrawal of the allegations or by a settlement agreement. If the involved parties are able to reach an agreement, the mediator will coordinate with the EEOO to obtain a written settlement. If any issues remain unresolved, the mediator will notify the EEOO so that the EEO complaint process can proceed.

What are the Advantages of Using ADR?

- The use of ADR allows parties to resolve disputes themselves.
- It encourages open communications by utilizing the skills of a mediator to assist the involved parties in resolving the dispute.
- ADR provides an opportunity to develop long-term solutions to employee-employer conflicts and improve working relationships.
- The ADR process is less costly, and protracted litigation can be avoided.
- The successful use of mediation can also be much less time consuming.
- In addition, if mediation is not successful, the aggrieved person may continue the complaint processing procedure through the EEO Office knowing that he or she has utilized every opportunity to resolve the dispute.

The Fort Carson Commander encourages the use of ADR to resolve complaints in a timely and efficient manner. Questions concerning ADR or the EEO complaint process should be referred to the EEO Office 526-4413.